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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,437	08/30/2006	Tomoyuki Noguchi	P30600	5047

52123 7590 12/26/2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

GRAINGER, QUANA MASHELL

ART UNIT	PAPER NUMBER
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2852

NOTIFICATION DATE	DELIVERY MODE
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12/26/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary	Application No.	Applicant(s)	
	10/598,437	NOGUCHI ET AL.	
	Examiner	Art Unit	
	Quana M. Grainger	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 3,5,7 and 11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12-7-2006; 6/24/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement/s (IDS) submitted on 6-24-2008 was considered by the examiner. In addition, a new copy of the signed 1449 form for the IDS filed 12/7/2006 with all the documents initialed is attached to this action.

Title

2. The new title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kou et al. (JP02-081074A) in view of Sameshima et al.

Kou teaches a fixing apparatus comprising: a heating element that heat fixes an unfixed image on a recording medium; a heating section that heats the heating element; a power supply that supplies power to the heating section; and a self-diagnosis section that issues a directive for heating when a condition for not heating the heating element has been met, and confirms that the heating element is not heated (abstract). The power supply has: an inverter circuit that supplies a high-frequency alternating current to the heating section; and an oscillation stop circuit that stops oscillation of the inverter circuit when the heating element stops or has a speed less than or

Art Unit: 2852

equal to a threshold value (abstract). The power supply has: an inverter circuit that supplies a high-frequency alternating current to the heating section; and a power-supply-side processor that controls oscillation of the inverter circuit in accordance with a control signal supplied from a processor, and when the heating element stops or has a speed less than or equal to a threshold value, stops oscillation of the inverter circuit without regard to the control signal.

The self-diagnosis section executes self-diagnosis each time power is turned on and/or restoration is performed from a sleep state, and/or at regular intervals during standby. An image forming apparatus comprising an image forming section that forms an unfixed image on a recording medium; and a fixing apparatus that heat fixes by means of a heating element an unfixed image formed on the recording medium by the image forming section; wherein the before mentioned fixing apparatus is used as the fixing apparatus. Kou et al. does not teach a rotating heating element.

Sameshima et al. teaches a rotating heating element. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Kou et al. with the fixing device such as taught by Sameshima to perform the stopping of the energization to the heating body when it is detected that the film stops.

Allowable Subject Matter

5. Claims 3, 5, 7, and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Art Unit: 2852

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugita et al., Watanabe et al., Kaneko teach controllers for the temperature of a fixing device.

Response to Arguments

7. Applicant's arguments filed 9/29/2008 have been fully considered but they are not persuasive.

Applicant argues that the combination of features recited in Applicants claims and particularly the second detecting section, as defined therein in the claimed combination, is clearly not disclosed by KOU et al. KOU et al. merely discloses issuing an instruction for turning off a switch so as not to heat a heating element when a condition for not performing heating of the heating element is satisfied. Accordingly, KOU et al. neither discloses, nor suggests, nor renders obvious, the configuration of the present invention including the second detecting section as recited in Applicants claims. Accordingly, even the combination of KOU et al. and SAMESHIMA et al. cannot render unpatentable the various claims defining aspects of the present invention.

However, Kou teaches the second detecting means or section. The claims recite that the second detecting section receives, from the control circuit, the instruction for providing the power, detects that the feeding of the power is suppressed by the instruction and the heating section does not perform or suppresses the heating. The claim also recites that the power supply receives the instruction from the control circuit and supplies the power. The second detecting section does not provide the power as recited. It seems that the second detecting section just

Art Unit: 2852

receives instruction about the power supply and about the status of the fixing device but has no other function. This same status information is also known to the control circuit of Kou.

Further, the cited reference also teach that this kind of information is conventional used by fixing control circuits. The claims remain rejected as discussed above.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135. The examiner can normally be reached on 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/598,437

Page 6

Art Unit: 2852

/Quana M Grainger/
Primary Examiner, Art Unit 2852

QG

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